

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL ARDEN JONES,

Petitioner,

-against-

NED McCORMACK,

Respondent.

23-CV-10522 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner filed this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2241, challenging his ongoing criminal proceedings that are pending, under indictment number 70616-21, in the Bronx Supreme Criminal Court.¹

On November 6, 2023, because of Petitioner's continuous submission of frivolous petitions for writs of *habeas corpus* under section § 2241, the Court barred Petitioner from filing future *habeas corpus* petitions *in forma pauperis* in this court, challenging his ongoing criminal proceedings, arising from the 2021 arrest, without first obtaining from the court leave to file. *See Jones v. McCormack*, No. 23-CV-8296, 13 (S.D.N.Y. Nov. 6, 2023). Petitioner brings this new *pro se* petition for a writ of *habeas corpus*, challenging his ongoing criminal proceedings, arising from the 2021 arrest, but he has not sought leave from the Court. Because Petitioner failed to seek leave to file this action, the Court denies the petition without prejudice pursuant to the November 6, 2023 order and judgment in *Jones v. McCormack*, No. 23-CV-8296, 13 (S.D.N.Y. Nov. 6, 2023).

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253. The Court certifies, pursuant to

¹ The petition is dated November 22, 2023. (ECF 1 at 8.)

28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: December 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge